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EXAMINER
GARNER, WERNER G

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 February 2011</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Examiner acknowledges applicants' arguments in the Response dated February
22, 2011 as part of the Request for Continued Examination directed to the Final Office
Action dated December 7, 2010. **Claims 1-25** are pending in the application and subject
to examination as part of this office action.

Claim Rejections - 35 USC § 112

2.   The rejection of **Claims 1-21** from the previous Office Action is withdrawn based
on the amended claim.

Claim Objections

3.   **Claim1** is objected to because of the following informalities: lines 26-31 list
elements "(iii)", "(iii)", and "(iv)" should read "(iii)", "(iv)", and "(v)". Appropriate correction
is required.

4.   **Claim 13** is objected to because of the following informalities: line 1 indicates
"An adaptor unit according to claim 26..." Only 25 claims are pending in this application.
For purposes of this examination, examiner interprets claim 13 as depending on claim
12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

6.   **Claims 1-2, 7-12, and 14-25** are rejected under 35 U.S.C. 102(e) as being

anticipated by Smith et al., US 6,599,194 B1 (hereinafter Smith).

Regarding **Claim 1 (Currently Amended)**: Smith discloses a games system

comprising a games console and an adaptor unit,

- wherein the games console comprises:
    - (i) a console housing (Smith, video game system (50) [C4:13-19] and [Fig. 1A]);
    - (ii) a game interface within said console housing for receiving a game product (Smith, slot (64) [C4:20-55] and [Fig. 1A]);
    - (iii) a display interface within said console housing for interfacing said games console to a display (Smith, video interface [C11:11-25]);
    - (iv) a user interface within said console housing for receiving user input (Smith, serial peripheral interface (138) [C9:26-56]);
    - (v) a game controller within said console housing for receiving game data from said game interface and said user input from said user interface and for generating therefrom game video data for

output to said display interface (Smith, main processor (100) is the
computer that executes the video game program [C8:33-48]);

- o (vi) an adaptor interface within said console housing for coupling
  the games console with said adaptor unit (Smith, expansion
  connector [C5:58-65]);

- o (vii) a memory within the console housing for storing software
  modules (Smith, memory (300) [C8:33-48]); and

- o (vii) a processor within the console housing for executing software
  modules stored in the memory (Smith, main processor (100) is the
  computer that executes the video game program [C8:33-48]);

- wherein said adaptor unit comprises:

  - o (i) an adaptor housing (Smith, expansion device (95) [Fig. 1A]);

  - o (ii) a memory within the adaptor housing for storing a video player
    software module (Smith, mass storage device (174) [C13:3-17]);

  - o (iii) a video data receiver within said adaptor housing for receiving
    encoded video data from a remote video provider (Smith,
    expansion device (95) receives RF input as well as data from
    internet [C7:12-32]);

  - o (iii) a games console interface within said adaptor housing for
    interfacing said adaptor unit to said adaptor interface of said games
    console (Smith, expansion connector [C5:58-65]); and

      o (iv) a communications controller within said adaptor housing for
controlling communications between the adaptor unit and said
games console via said games console interface and said adaptor
interface (Smith, bus interface (179) controls communication with
video game console (52) [C12:10-32] and [Fig. 3] or video circuitry
(176) receives SVIDEO signal from video game console (52) [Fig.
3]).

Regarding **Claim 2 (Currently Amended)**: Smith further discloses wherein the
adaptor unit further comprises

- encryption means for encrypting the video data to be output to said games
  console via said games console interface (Smith, DSP controller (194)
  [C23:65-C24:2]) and
- wherein said video player software module includes decryption means for
  decrypting the video data (Smith, DSP controller (194) decrypts data
  [C20:17-34]).

Regarding **Claim 7 (Currently Amended)**: Smith further discloses wherein said
adaptor unit further comprises a large capacity storage means for storing video data or
game data (Smith, mass storage device (174) [C12:10-32] and [Fig. 3] or SDRAM (261)
[Fig. 5A]).

Regarding **Claim 8 (Previously Presented)**: Smith further discloses wherein said adaptor unit further comprises a modem within said adaptor housing for connecting the adaptor unit to a data network (Smith, modem (186) [C12:10-32] and [Fig. 3]).

Regarding **Claim 9 (Currently Amended)**: Smith further discloses wherein said games console further comprises a web browser within said console housing for receiving menu pages from a remote server via said modem in said adaptor unit, said games console interface and said adaptor interface and for generating menu screens for output to said display interface (Smith, browser [C22:66-C23:5]).

Regarding **Claim 10 (Currently Amended)**: Smith further discloses wherein said games console is operable to transmit and to receive game data to and from said data network via said modem and said adaptor unit to provide network gaming to a user thereof (Smith, games may be downloaded [C7:33-42]).

Regarding **Claim 11 (Currently Amended)**: Smith discloses an adaptor unit for use with a games console, the adaptor unit comprising:

- an adaptor housing (Smith, expansion device (95) [Fig. 1A]);
- a memory within the adaptor housing for storing a video player software module (Smith, mass storage device (174) [C13:3-17]);

- a video data receiver within the adaptor housing for receiving encoded video data from a remote video provider (Smith, expansion device (95) receives RF input as well as data from internet [C7:12-32]);

- a games console interface within said adaptor housing for interfacing said adaptor unit to said games console (Smith, expansion connector [C5:58-65]); and

- a communications controller within said adaptor housing for controlling communications between the adaptor unit and said games console via said games console interface (Smith, bus interface (179) controls communication with video game console (52) [C12:10-32] and [Fig. 3] and video circuitry (176) receives SVIDEO signal from video game console (52) [Fig. 3]).

Regarding **Claim 12 (Currently Amended)**: Smith further discloses further comprising

- encryption means for encrypting the video data to be output to said games console via said games console interface (Smith, DSP controller (194) [C23:65-C24:2]) and

- a secure processor within said adaptor housing for storing an encryption key for use by said encryption means for encrypting said video data (Smith, DSP controller (194) [C23:54-64]).

Regarding **Claim 14 (Currently Amended)**: Smith further discloses a large capacity storage means for storing video data or game data (Smith, mass storage device (174) [C12:10-32] and [Fig. 3] or SDRAM (261) [Fig. 5A]).

Regarding **Claim 15 (Previously Presented)**: Smith further discloses a modem within said adaptor housing for connecting the adaptor unit to a data network (Smith, modem (186) [C12:10-32] and [Fig. 3]).

Regarding **Claim 16 (Currently Amended)**: Smith further discloses wherein said adaptor unit is operable to receive game data from said games console and to transmit the received game data to said data network and is operable to receive game data from said data network and to transmit the game data received from the data network to said games console, to provide network gaming to a user of the games console (Smith [C3:57-C4:12]).

Regarding **Claim 17 (Currently Amended)**: Smith discloses a games console for use with an adaptor unit,

- the games console comprising:
    - a console housing (Smith, video game system (50) [C4:13-19] and [Fig. 1A]);
    - a game interface within said console housing for receiving a game product (Smith, slot (64) [C4:20-55] and [Fig. 1A]);

- o a display interface within said console housing for interfacing said games console to a display (Smith, video interface [C11:11-25]);

- o a user interface within said console housing for receiving user input (Smith, serial peripheral interface (138) [C9:26-56]);

- o a game controller within said console housing for receiving game data from said game interface and said user input from said user interface and for generating therefrom game video data for output to said display interface (Smith, main processor (100) is the computer that executes the video game program [C8:33-48]);

- o an adaptor interface within said console housing for coupling the games console with said adaptor unit (Smith, expansion connector [C5:58-65]);

- o a memory within the console housing for storing software modules (Smith, memory (300) [C8:33-48]) and

- o a processor within the console housing for executing software modules stored in the memory (Smith, main processor (100) is the computer that executes the video game program [C8:33-48]);

- wherein the games console is operable to

  - o i) receive a video player software module from the adaptor unit (Smith, main processor (100) typically copies game program/data (108) from ROM (76) [C10:21-44] and [Fig. 2]),

- o ii) store the video player software module in the memory (Smith, main processor (100) typically copies game program/data (108) from ROM (76) [C10:21-44] and [Fig. 2]),

- o iii) use the processor to execute the video player software module (Smith, main processor (100) is the computer that executes the video game program [C8:33-48]),

- o iv) receive encoded video data from the adaptor unit (Smith, video section (176) transfers video information to video game system console (52) via control interface and logic section (178) [C13:39-56]), and

- o v) use the video player software module to generate decoded video data from the received encoded video data for output to a display via the display interface (Smith, expansion device (95) receives highest quality video output signal from video game console (52) [C5:66-C6:11]).

Regarding **Claim 18 (Currently Amended)**: Smith further discloses wherein said games console further comprises a controller responsive to a user input from said user interface and operable to transmit game history data to said adaptor unit (Smith, main processor (100) is the computer that executes the video game program [C8:33-48]).

Regarding **Claim 19 (Currently Amended)**: Smith further discloses a web
browser within said console housing for receiving menu pages from a remote server via
a modem in said adaptor unit, and for generating menu screens for output to said
display interface (Smith, browser [C22:66-C23:5]).

Regarding **Claim 20 (Currently Amended)**: Smith further discloses wherein the
games console is operable to transmit and to receive game data to and from said data
network via said modem and said adaptor unit to provide network gaming to a user
thereof (Smith [C3:57-C4:12]).

Regarding **Claim 21 (Currently Amended)**: Smith discloses a method of
providing video data for display, the method comprising the steps of:

- interfacing an adaptor unit with a games console via a games console
  interface associated with the adaptor unit and an adaptor interface
  associated with the games console (Smith, expansion device (95) is
  coupled to a video console (52) expansion connector [C5:58-65]);

- receiving game data associated with a game product at the games
  console (Smith, games may be downloaded [C7:33-42]);

- receiving user input at the games console (Smith, serial peripheral
  interface (138) receives user inputs from game controllers (56) [C9:26-
  56]);

- outputting a video player software module from the adaptor unit to the games console through the games console interface and adaptor interface (Smith, data stored in mass storage device (174) is transferred to video game console main memory RD RAM (300) via interface logic (178) [C12:10-32]);

- receiving at the games console the video player software module (Smith, data stored in mass storage device (174) is transferred to video game console main memory RD RAM (300) via interface logic (178) [C12:10-32]);

- executing the video player software module on the games console (Smith, main processor (100) is the computer that executes the video game program [C8:33-48]);

- receiving at said adaptor unit encoded video data from a remote video provider (Smith, expansion device (95) receives RF input as well as data from internet [C7:12-32]);

- outputting encoded video data from said adaptor unit to said games console through said games console interface and the adaptor interface (Smith, video section (176) transfers video information to video game system console (52) via control interface and logic section (178) [C13:39-56]);

- decoding in said games console said encoded video data using the video
  player software module to generate decoded video data (Smith, expansion
  device (95) receives RF input as well as data from internet [C7:12-32]);

- generating game video data based at least in part on the received game
  data and the received user input (Smith, main processor (100) is the
  computer that executes the video game program [C8:33-48]); and

- outputting the decoded video data and the game video data via a display
  interface associated with the games console to a display (Smith, NTSC
  Video Out (Composite or SVIDEO) [Fig. 3]).

Regarding **Claim 22 (New)**: Smith further discloses wherein

- the communications controller is operable to

  - i) output the video player software module for storage in the
    memory of the games console (Smith, encrypted game transmitted
    to video game system (50) [C23:65-C24:2]) and

  - ii) output encoded video data to the games console (Smith, video
    section (176) transfers video information to video game system
    console (52) via control interface and logic section (178) [C13:39-
    56]);

- wherein the games console is operable to

- o i) receive the video player software module from the adaptor unit
  (Smith, encrypted game transmitted to video game system (50)
  [C23:65-C24:2]),

- o ii) store the video player software module in the memory (Smith,
  video games are stored in main memory (300) [C8:33-48]),

- o iii) use the processor to execute the video player software module
  (Smith, main processor (100) accesses game program in main
  memory (300) [C8:33-48]),

- o iv) receive the encoded video data from the adaptor unit (Smith,
  video section (176) transfers video information to video game
  system console (52) via control interface and logic section (178)
  [C13:39-56]), and

- o v) use the video player software module to generate decoded video
  data from the received encoded video data for output to a display
  via the display interface (Smith, video section (176) transfers video
  information to video game system console (52) via control interface
  and logic section (178) [C13:39-56]).

Regarding **Claim 23 (New)**: Smith further discloses:

- a controller responsive to a user input from the user interface (Smith, main
  processor (100) is the computer that executes the video game program
  [C8:33-48]) and operable to transmit game history data to the

communications controller of the adaptor unit via the games console
interface and the adaptor interface (Smith, video game system console
(52) outputs video signal to expansion device (95) [C8:33-48]), wherein
the communications controller is operable to store the game history data
in the large capacity storage means (Smith, video circuitry (176) stores
picture image data in SDRAM (261) [C17:12-52]).

Regarding **Claim 24 (New)**: Smith further discloses wherein the communications
controller is operable to

- i) output the video player software module for execution by the games
  console (Smith, encrypted game transmitted to video game system (50)
  [C23:65-C24:2]) and
- ii) output encoded video data to the games console for decoding by the
  video player software module (Smith, video section (176) transfers video
  information to video game system console (52) via control interface and
  logic section (178) [C13:39-56]).

Regarding **Claim 25 (New)**: Smith further discloses wherein the communications
controller is operable to receive game history data from the games console via the
games console interface (Smith, video game system console (52) outputs video signal
to expansion device (95) [C8:33-48]) and is operable to store the received game history

data in the large capacity storage means (Smith, video circuitry (176) stores picture

image data in SDRAM (261) [C17:12-52]).

Claim Rejections - 35 USC § 103

7.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

8.   **Claims 3-4, 6, and 13** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Smith in view of Marsh, US 7,124,938 B1 (hereinafter Marsh).

       Regarding **Claim 3 (Currently Amended)**: Smith discloses the invention as

described above. Smith fails to explicitly disclose wherein said video player software

module includes embedded data for decrypting the encrypted video data.

       Marsh teaches wherein said video player software module includes embedded

data for decrypting the encrypted video data (Marsh, MPEG Decoder Module 234 can

decrypt and encrypt content [C13:21-51]).

       It would have been obvious to one of ordinary skill in the art at the time of the

invention to improve the video player software module as disclosed by Smith by

embedding data for decrypting encrypted video data as taught by Marsh in order to

have one program that is able to perform all tasks without having to refer to several

external codecs in order to decrypt video data.

Regarding **Claim 4 (Original)**: Smith further discloses a secure processor for storing an encryption key for use by said encryption means for encrypting said video data (Smith, DSP controller (194) [C23:54-64]).

Regarding **Claim 6 (Previously Presented)**: Smith discloses the invention as described above. Smith fails to explicitly disclose wherein said secure processor is formed on a smart-card which is retractable from a smart-card reader mounted within said adaptor housing.

Marsh teaches wherein said secure processor is formed on a smart-card which is retractable from a smart-card reader mounted within said adaptor housing (Marsh [C2:37-45]).

Cable and satellite subscription television service often uses a card which is inserted into computing device and permits viewing of encrypted programming. These cards often include private information. The information is on the card and cannot be accessed if the card is removed from the computing device, thereby increasing privacy (Marsh [C2:37-45]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to improve the expansion device as disclosed by Smith to include the use of a removable smart card which protects the privacy of users (as in **claims 6 and 13**) as taught by Marsh while giving them access to more programming while using cable or satellite services.

Regarding **Claim 13 (Currently Amended)**: Smith discloses the invention as described above. Smith fails to explicitly disclose wherein said secure processor is retractable from said adaptor housing and is formed on a smart-card and wherein said adaptor housing includes a smart-card reader for reading the encryption key from said smart-card processor.

Marsh teaches wherein said secure processor is retractable from said adaptor housing and is formed on a smart-card and wherein said adaptor housing includes a smart-card reader for reading the encryption key from said smart-card processor (Marsh [C2:37-45]).

9.   **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Kim et al., US 2002/0169973 A1 (hereinafter Kim).

Regarding **Claim 5 (Currently Amended)**: Smith discloses the invention as described above. Smith fails to explicitly disclose wherein an intermediate decryption key is provided in said secure processor, wherein said communications controller is operable to pass said intermediate decryption key to said games console via said games console interface and said adaptor interface and wherein said decryption means of said video player software module is operable to decrypt said video data using said embedded data and said intermediate decryption key.

Kim teaches wherein an intermediate decryption key is provided in said secure processor, wherein said communications controller is operable to pass said

intermediate decryption key to said games console via said games console interface and said adaptor interface and wherein said decryption means of said video player software module is operable to decrypt said video data using said embedded data and said intermediate decryption key (Kim [0013]).

Smith discloses downloading encrypted content from a server and stored on hard drive (206) (Smith [C23:54-64]). The encrypted information is subsequently transmitted to and decrypted by the video game system (50) (Smith, [C24:57-61]). There are two main classes of cryptographic systems: symmetric key and public key cryptographic systems (Kim, ¶5). Kim teaches a hybrid cryptographic system that generates an intermediate key and passes it to a playing device (Kim, ¶13). The processes of obtaining original data in a hybrid cryptographic system are usually faster than those of the public/private key cryptographic system (Kim, ¶8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the public/private key cryptographic system as disclosed by Smith with the hybrid cryptographic system using an intermediate key as taught by Kim in order to increase the speed of encrypting and decrypting data.

Response to Arguments

10.   Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WERNER GARNER whose telephone number is (571) 270-7147. The examiner can normally be reached on M-F 7:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lewis can be reached on (571) 272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. G./
Examiner, Art Unit 3714

/David L Lewis/
Supervisory Patent Examiner, Art Unit 3714